

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LINDA MIGLIORI, FRANCIS J. FOX,
RICHARD E. RICHARDS, KENNETH
RINGER, and SERGIO RIVAS

Plaintiffs,

v.)

LEHIGH COUNTY BOARD OF
ELECTIONS,

Defendant.)

Civ. No. 2:22-cv-00397

STIPULATION AND
[PROPOSED] AGREED ORDER

This matter comes before the Court on Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction seeking, *inter alia*, an order halting the impending certification of 2021 election results by Defendant Lehigh County Board of Elections while this Court considers Plaintiffs' federal claims to determine whether uncounted mail-in ballots submitted by Plaintiffs and 252 other Lehigh County voters must be counted before the election is finally certified. The parties, through their undersigned counsel, have conferred and jointly propose the following Order concerning Plaintiffs' request for temporary restraining order and further litigation of Plaintiffs' request for injunctive relief:

WHEREAS, Defendant Lehigh County Board of Elections scheduled a Meeting of the Board on February 1, 2022, for the limited purpose of unofficially certifying the returns of the 2021 election for the Lehigh County Court of Common Pleas pursuant to 25 P.S. § 3154(f);

WHEREAS, by operation of 25 P.S. § 3154(f), the unofficial returns will not be finally certified on February 1, 2022;

WHEREAS, in the interests of completing such unofficial certification without further litigation of Plaintiffs' request for temporary restraining order, Defendant Lehigh County Board of Elections agrees not to take any steps to finally or officially certify the election returns or issue certificates of election to any candidate until this Court resolves Plaintiffs' claims for injunctive relief; and

WHEREAS, the parties agree to the schedule outlined herein for briefing and resolution of Plaintiffs' Motion for Preliminary Injunction;

NOW, THEREFORE, it is hereby ORDERED as follows:

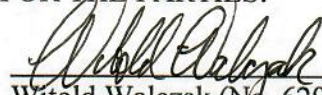
1. Defendant shall file all papers in response to Plaintiffs' Motion for Preliminary Injunction on or before February 8, 2022;
2. Plaintiffs' shall file their reply, if any, in further support of their Motion for Preliminary Injunction on or before February 15, 2022;
3. The Court will conduct a hearing and/or oral argument on Plaintiffs' Motion for Preliminary Injunction on February __, 2022;
4. Defendant Lehigh County Board of Elections is specifically ORDERED not to take any further steps to officially certify any 2021 election returns or issue a certificate of elections to any candidate following the unofficial certification of returns on February 1, 2022, unless and until Defendant is authorized to proceed to final certification by further Order of this Court; and
5. The Court will stay consideration of Plaintiffs' request for Temporary Restraining Order in light of Defendants' agreement not to certify the election pending the outcome of Plaintiffs' request for injunctive relief.

SO ORDERED

February __, 2022

Leeson, J.

FOR THE PARTIES:



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